



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

SENATE BILL NO. 114

TUESDAY, FEBRUARY 23, 2016

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

1 AN ACT relating to medical authorizations by advanced practice registered nurses.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15.382 is amended to read as follows:

4 A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time
5 of becoming certified, meet the following minimum qualifications:

- 6 (1) Be a citizen of the United States;
- 7 (2) Be at least twenty-one (21) years of age;
- 8 (3) Be a high school graduate or have successfully completed a General Education
9 Development (G.E.D.) examination;
- 10 (4) Possess a valid license to operate a motor vehicle;
- 11 (5) Be fingerprinted for a criminal background check;
- 12 (6) Not have been convicted of any felony;
- 13 (7) Not be prohibited by federal or state law from possessing a firearm;
- 14 (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as
15 established by the council;
- 16 (9) Have not received a dishonorable discharge, bad conduct discharge, or general
17 discharge under other than honorable conditions, if having served in any branch of
18 the Armed Forces of the United States;
- 19 (10) Have passed a medical examination as defined by the council by administrative
20 regulation ***and provided by a licensed physician, physician assistant, or advanced***
21 ***practice registered nurse*** to determine if he can perform peace officer duties as
22 determined by a validated job task analysis. However, if the employing agency has
23 its own validated job task analysis, the person shall pass the medical examination,
24 appropriate to the agency's job task analysis, of the employing agency. All agencies
25 shall certify passing medical examination results to the council, which shall accept
26 them as complying with KRS 15.315 to 15.510;
- 27 (11) Have passed a drug screening test administered or approved by the council by

- 1 administrative regulation. A person shall be deemed to have passed a drug screening
2 test if the results of the test are negative for the use of an illegal controlled
3 substance or prescription drug abuse. Any agency that administers its own test that
4 meets or exceeds this standard shall certify passing test results to the council, which
5 shall accept them as complying with KRS 15.315 to 15.510;
- 6 (12) Have undergone a background investigation established or approved by the council
7 by administrative regulation to determine suitability for the position of a peace
8 officer. If the employing agency has established its own background investigation
9 that meets or exceeds the standards of the council, as set forth by administrative
10 regulation, the agency shall conduct the background investigation and shall certify
11 background investigation results to the council, which shall accept them as
12 complying with KRS 15.315 to 15.510;
- 13 (13) Have been interviewed by the employing agency;
- 14 (14) Not have had certification as a peace officer permanently revoked in another state;
- 15 (15) Have taken a psychological suitability screening administered or approved by the
16 council by administrative regulation to determine the person's suitability to perform
17 peace officer duties as determined by a council validated job task analysis.
18 However, if the employing agency has its own validated job task analysis, the
19 person shall take that agency's psychological examination, appropriate to the
20 agency's job task analysis. All agencies shall certify psychological examination
21 results to the council, which shall accept them as complying with KRS 15.315 to
22 15.510;
- 23 (16) Have passed a physical agility test administered or approved by the council by
24 administrative regulation to determine his suitability to perform peace officer duties
25 as determined by a council validated job task analysis. However, if the employing
26 agency has its own validated job task analysis, the person shall take the physical
27 agility examination of the employing agency. All agencies shall certify physical

1 agility examination results to the council, which shall accept them as demonstrating
 2 compliance with KRS 15.315 to 15.510; and

3 (17) Have taken a polygraph examination administered or approved by the council by
 4 administrative regulation to determine his suitability to perform peace officer duties.
 5 Any agency that administers its own polygraph examination as approved by the
 6 council shall certify the results that indicate whether a person is suitable for
 7 employment as a peace officer to the council, which shall accept them as complying
 8 with KRS 15.315 to 15.510.

9 ➔Section 2. KRS 72.465 is amended to read as follows:

10 (1) The coroner shall in his sound discretion determine the extent of inquiry to be made
 11 into any death occurring under natural circumstances and falling within the
 12 provisions of KRS 72.410 to 72.470, and if inquiry reveals that the physician or
 13 advanced practice registered nurse of record has sufficient knowledge to
 14 reasonably state the cause of a death occurring under natural circumstances, the
 15 coroner may authorize that physician or advanced practice registered nurse to sign
 16 the certificate of death. In all other instances, the coroner shall sign the death
 17 certificate in coroner's cases.

18 (2) In the event an autopsy is performed under the provisions of KRS 72.410 to 72.470
 19 subsequent to the time that a death certificate has been filed with the Cabinet for
 20 Health and Family Services, Vital Statistics Branch, the coroner shall notify the
 21 Vital Statistics Branch of any change that may be necessary in the original
 22 certificate.

23 ➔Section 3. KRS 186.411 is amended to read as follows:

24 (1) If a person with a seizure condition applies for an original, duplicate, modified, or
 25 renewal operator's license, or applies for an instruction permit, he shall be required
 26 by the cabinet to present to the Division of Driver Licensing certification by a
 27 physician or advanced practice registered nurse that his condition is controlled by

1 drugs, details of the drugs, dosages which the person takes, and that the person has
2 been free of any seizures for ninety (90) days; his own statement that he has been
3 free of any seizures for ninety (90) days before the date of the application, and that
4 he is taking the medication prescribed by his physician or advanced practice
5 registered nurse. The division shall upon receipt of the required documentation
6 issue him a letter of authorization to present to the circuit clerk. The circuit clerk
7 shall not issue an operator's license to a person with a seizure condition who does
8 not present the letter of authorization.

9 (2) Any person who has a seizure condition who cannot present the certification that his
10 condition is controlled by drugs or a statement that he has been seizure-free for
11 ninety (90) days shall be notified in writing by the cabinet that the person's privilege
12 to operate a motor vehicle is withdrawn and of his right to have an informal hearing
13 on the matter of whether he is an unsafe driver as a result of having the seizure
14 condition. The notice shall be mailed by first-class mail to the address of record of
15 the person. The hearing shall be automatically waived if not requested within
16 twenty (20) days after the cabinet mails notice. The hearing shall be scheduled as
17 early as practical after receipt of the request at a time and place designated by the
18 cabinet.

19 (3) A person whose seizure condition would impair his ability to operate a motor
20 vehicle may present evidence of the condition to the Division of Driver Licensing's
21 medical review board as established under KRS 186.444, including his own attested
22 statement, physician's or advanced practice registered nurse's statement, and
23 medical dosage details. If the board determines that the person's seizure condition
24 would not impair his ability to operate a motor vehicle, the division shall issue the
25 letter of authorization required by subsection (1) of this section.

26 (4) A person whose seizure condition is of a nature that the seizure condition would not
27 impair the ability to operate a motor vehicle may present evidence of this fact to the

1 Division of Driver Licensing including the person's own attested statement,
 2 physician's **or advanced practice registered nurse's** statement, and medicine dosage
 3 details. If the division determines that the person's seizure condition does not impair
 4 the ability to operate a motor vehicle, the division shall issue the letter of
 5 authorization required by subsection (1) of this section.

6 (5) Any physician **or advanced practice registered nurse** shall not be subject to civil or
 7 criminal liability, absent a showing of bad faith, for providing any reports, records,
 8 examinations, opinions, or recommendations pursuant to this section.

9 ➔Section 4. KRS 189.125 is amended to read as follows:

10 (1) Except as otherwise provided in this section, "motor vehicle" as used in this section
 11 means every vehicle designed to carry fifteen (15) or fewer passengers and used for
 12 the transportation of persons, but the term does not include:

- 13 (a) Motorcycles;
- 14 (b) Motor-driven cycles; or
- 15 (c) Farm trucks registered for agricultural use only and having a gross weight of
 16 one (1) ton or more.

17 (2) A person shall not sell any new motor vehicle in this state nor shall any person
 18 make application for registering a new motor vehicle in this state unless the front or
 19 forward seat or seats have adequate anchors or attachments secured to the floor
 20 and/or sides to the rear of the seat or seats to which seat belts may be secured.

21 (3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches
 22 in height or less in a motor vehicle operated on the roadways, streets, and
 23 highways of this state, shall have the child properly secured in a child restraint
 24 system of a type meeting federal motor vehicle safety standards.

25 (b) Any driver of a motor vehicle, when transporting a child under the age of
 26 eight (8) years who is between forty (40) inches and fifty-seven (57) inches in
 27 height in a motor vehicle operated on the roadways, streets, and highways of

1 this state, shall have the child properly secured in a child booster seat. A child
 2 of any age who is greater than fifty-seven (57) inches in height shall not be
 3 required to be secured in a child booster seat under this section.

4 (4) As used in this section:

5 (a) "Child restraint system" means any device manufactured to transport children
 6 in a motor vehicle which conforms to all applicable federal motor vehicle
 7 safety standards; and

8 (b) "Child booster seat" means a child passenger restraint system that meets the
 9 standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to
 10 properly sit in a federally approved lap-and-shoulder belt system.

11 (5) Failure to use a child passenger restraint system or a child booster seat shall not be
 12 considered as contributory negligence, nor shall such failure to use a passenger
 13 restraint system or booster seat be admissible as evidence in the trial of any civil
 14 action. Failure of any person to wear a seat belt shall not constitute negligence per
 15 se.

16 (6) A person shall not operate a motor vehicle manufactured after 1981 on the public
 17 roadways of this state unless the driver and all passengers are wearing a properly
 18 adjusted and fastened seat belt, unless the passenger is a child who is secured as
 19 required in subsection (3) of this section. The provisions of this subsection shall not
 20 apply to:

21 (a) A person who has in his possession at the time of the conduct in question a
 22 written statement from a physician, advanced practice registered nurse, or
 23 licensed chiropractor that he is unable, for medical or physical reasons, to
 24 wear a seat belt; or

25 (b) A letter carrier of the United States postal service while engaged in the
 26 performance of his duties.

27 (7) A conviction for a violation of subsection (6) of this section shall not be transmitted

1 by the court to the Transportation Cabinet. The Transportation Cabinet shall not
2 include a conviction for a violation of subsection (6) of this section as part of any
3 person's driving history record.

4 (8) The provisions of subsection (6) of this section shall supersede any existing local
5 ordinance involving the use of seat belts. No ordinance contrary to subsection (6) of
6 this section may be enacted by any unit of local government.

7 ➔Section 5. KRS 213.076 is amended to read as follows:

8 (1) (a) A certificate of death or a provisional certificate of death for each death which
9 occurs in the Commonwealth shall be filed with the cabinet or as otherwise
10 directed by the state registrar prior to final disposition, and it shall be
11 registered if it has been completed and filed in accordance with this section.

12 The funeral director, or person acting as such, who first takes custody of a
13 dead body shall be responsible for filing the certificate of death. The funeral
14 director, or person acting as such, shall obtain the required personal and
15 statistical particulars from the person best qualified to supply them over the
16 signature and address of the informant. Effective January 1, 2015, all
17 certificates of death shall be filed with the cabinet using the Kentucky
18 Electronic Death Registration System in a manner directed by the state
19 registrar.

20 (b) At the time of obtaining the required personal and statistical particulars from
21 the informant referred to in paragraph (a) of this subsection, the funeral
22 director, or person acting as such, shall ask the informant if the deceased ever
23 served in the military. If the informant answers in the affirmative, then the
24 funeral director, or person acting as such, shall provide the informant with a
25 fact sheet stating military burial rights supplied by the Kentucky Department
26 of Veterans' Affairs.

27 (c) The funeral director, or person acting as such, shall within five (5) days of the

1 death, present the certificate to the attending physician, advanced practice
 2 registered nurse, or physician assistant, if any, or to the health officer or
 3 coroner as directed by the state registrar, for the medical certificate of the
 4 cause of death and other particulars necessary to complete the record as
 5 required by this chapter.

6 (d) It shall be unlawful for an institution to release a dead human body until the
 7 funeral director, or person acting as such, has completed and filed with the
 8 local registrar or person in charge of the institution, a provisional certificate of
 9 death. If death occurs outside an institution, the provisional certificate shall be
 10 filed with the local registrar by the funeral director, or person acting as such,
 11 prior to final disposition of the dead body. A copy of the provisional
 12 certificate of death signed by the person with whom it was filed, shall
 13 constitute authority for the possession, transportation, and, except for
 14 cremation, final disposition of the body.

15 (e) All persons having in their possession a completed provisional certificate of
 16 death shall file the certificate at not more than weekly intervals with the local
 17 registrar.

18 (f) If the place of death is unknown but the dead body is found in the
 19 Commonwealth, the certificate of death shall be completed and filed in
 20 accordance with this section. The place where the body is found shall be
 21 shown as the place of death. If the date of death is unknown, it shall be
 22 determined by approximation subject to amendment upon completion of any
 23 postmortem examination required to be performed.

24 (g) If death occurs in a moving conveyance in the United States and the body is
 25 first removed from the conveyance in the Commonwealth, the death shall be
 26 registered in Kentucky, and the place where it is first removed shall be
 27 considered the place of death. If a death occurs on a moving conveyance while

1 in international waters or air space or in a foreign country or its air space, and
 2 the body is first removed from the conveyance in the Commonwealth, the
 3 death shall be registered in Kentucky, but the certificate shall show the actual
 4 place of death insofar as can be determined.

5 (2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall call
 6 attention to the defects in the certificate and require the person responsible for the
 7 entry to complete or correct. The state registrar may also require additional
 8 information about the circumstances and medical conditions surrounding a death in
 9 order to properly code and classify the underlying cause. A funeral director shall not
 10 be held responsible for the failure of a physician, advanced practice registered
 11 nurse, physician assistant, dentist, chiropractor, or coroner to complete or correct
 12 the entry for which he or she is responsible.

13 (3) The medical certification shall be completed, signed, and returned to the funeral
 14 director within five (5) working days after presentation to the physician, advanced
 15 practice registered nurse, physician assistant, dentist, or chiropractor in charge of
 16 the patient's care for the illness or condition which resulted in death, except when
 17 inquiry is required by KRS 72.400 to 72.475. In such cases, or if the cause of death
 18 is unknown or under investigation, the cause of death shall be shown as such on the
 19 certificate. A supplemental report providing the medical information omitted from
 20 the original certificate shall be filed by the certifier with the state registrar within
 21 five (5) days after receiving results of the inquiry as required by KRS 72.400 to
 22 72.475. The supplemental report shall be made a part of the existing death
 23 certificate. This report shall be considered an amendment, and the death certificate
 24 shall be marked "Amended." In the absence of the physician, advanced practice
 25 registered nurse, physician assistant, dentist, or chiropractor, or with such person's
 26 approval, the certificate may be completed and signed by his associate physician,
 27 advanced practice registered nurse, physician assistant, dentist, or chiropractor, or

1 the chief medical officer of the institution in which death occurred, or the physician
2 who performed an autopsy upon the decedent, or a physician, advanced practice
3 registered nurse, or physician assistant employed by the local health department, if
4 the individual has access to the medical history of the case and death is due to
5 natural causes.

6 (4) If death occurs more than thirty-six (36) hours after the decedent was last treated or
7 attended by a physician, advanced practice registered nurse, physician assistant,
8 dentist, or chiropractor, the case shall be referred to the coroner for investigation to
9 determine and certify the cause of death. In the event that a coroner is not available
10 to sign the certificate and there is no duly appointed deputy, the county
11 judge/executive shall appoint a competent person to investigate the death and certify
12 to its cause.

13 (5) (a) The physician, advanced practice registered nurse, physician assistant,
14 dentist, chiropractor, or coroner who certifies to the cause of death shall return
15 the certificate to the funeral director, or person acting as such, who, in turn,
16 shall file the certificate directly with the Vital Statistics Branch. Any certified
17 copies of the record requested at the time of filing shall be issued in not more
18 than two (2) working days.

19 (b) In the case of a death in which diabetes was known to be an underlying cause
20 or contributing condition, diabetes shall be listed in the appropriate location
21 on the death certificate by the physician, advanced practice registered nurse,
22 physician assistant, dentist, chiropractor, or coroner who certifies to the cause
23 of death.

24 (6) The Vital Statistics Branch shall provide self-addressed, color-coded envelopes for
25 the funeral homes in the Commonwealth of Kentucky.

26 (7) Three (3) free verification-of-death statements shall be provided to the funeral
27 director by the Vital Statistics Branch for every death in the Commonwealth of

1 Kentucky.

- 2 (8) The body of any person whose death occurs in Kentucky shall not be interred,
3 deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from
4 or into any registration district, until a provisional certificate of death has been filed
5 with the local registrar of the registration district in which the death occurs. If the
6 death occurred from a disease declared by the Cabinet for Health and Family
7 Services to be infectious, contagious, or communicable and dangerous to the public
8 health, no permit for the removal or other disposition of the body shall be granted
9 by the registrar except under conditions prescribed by the Cabinet for Health and
10 Family Services and the local health department. The Cabinet for Health and Family
11 Services shall identify by regulation those communicable diseases which require
12 blood and body fluid precautions. If a person who has been diagnosed as being
13 infected with a communicable disease for which blood and body fluid precautions
14 are required, dies within a health facility as defined in KRS 216B.015, the facility
15 shall notify any embalmer or funeral director to whom the body will be transported
16 of the need for such precautions. The notice shall be provided by including the
17 statement "Blood and Body Fluid Precautions" on the provisional report-of-death
18 form as prescribed by the Cabinet for Health and Family Services. Lack of this
19 notice shall not relieve any embalmer or funeral director from taking universal
20 blood and body fluid precautions as are recommended by the United States
21 Department of Health and Human Services, Centers for Disease Control for
22 Morticians' Services. No embalmer or funeral director shall charge more for
23 embalming the remains of a person with a communicable disease which requires
24 blood and body fluid precautions than the price for embalming services listed on the
25 price list funeral providers are required to maintain and provide to consumers
26 pursuant to 16 C.F.R. Sec. 453.2 (1988).
- 27 (9) A burial-transit permit for the final disposition issued under the law of another state

1 which accompanies a dead body or fetus brought into the Commonwealth shall be
2 the authority for final disposition of the body or fetus in the Commonwealth and
3 may be accepted in lieu of a certificate of death. There shall be noted on the face of
4 the record made for return to the local registrar that the body was shipped to
5 Kentucky for interment and the actual place of death.

6 (10) Nothing in this section shall be construed to delay, beyond a reasonable time, the
7 interment or other disposition of a body unless the services of the coroner or the
8 health officer are required or the Department for Public Health deems it necessary
9 for the protection of the public health. If compliance with this section would result
10 in unreasonable delay in the disposition of the body the funeral director, or person
11 acting as such, shall file with the local registrar or deputy registrar prior to interment
12 a provisional certificate of death which shall contain the name, date, and place of
13 death of the deceased, the name of the medical certifier, and an agreement to furnish
14 within ten (10) days a complete and satisfactory certificate of death.

15 (11) No sexton or other person in charge of any place in which interment or other
16 disposition of dead bodies is made shall inter or allow interment or other disposition
17 of a dead body or fetus unless it is accompanied by a copy of the provisional
18 certificate of death. The sexton, or if there is no sexton, the funeral director, or
19 person acting as such, shall enter on the provisional certificate over his signature,
20 the date, place, and manner of final disposition and file the certificate within five (5)
21 days with the local registrar.

22 (12) Authorization for disinterment, transportation, and reinterment or other disposition
23 shall be required prior to disinterment of any human remains. The authorization
24 shall be issued by the state registrar upon proper application. The provisions of this
25 subsection shall apply to all manners of disposition except cremation and without
26 regard for the time and place of death. The provisions of KRS 381.765 shall not
27 apply to remains removed for scientific study and the advancement of knowledge.

1 (13) After a death certificate has been on file for five (5) years, it may not be changed in
 2 any manner except upon order of a court. Prior to that time, requests for corrections,
 3 amendments, or additions shall be accompanied by prima facie evidence which
 4 supports the requested change.

5 ➔Section 6. KRS 387.540 is amended to read as follows:

- 6 (1) Prior to a hearing on a petition for a determination of partial disability or disability
 7 and the appointment of a limited guardian, guardian, limited conservator, or
 8 conservator, an interdisciplinary evaluation report shall be filed with the court. The
 9 report may be filed as a single and joint report of the interdisciplinary evaluation
 10 team, or it may otherwise be constituted by the separate reports filed by each
 11 individual of the team. If the court and all parties to the proceeding and their
 12 attorneys agree to the admissibility of the report or reports, the report or reports
 13 shall be admitted into evidence and shall be considered by the jury. The report shall
 14 be compiled by at least three (3) individuals, including a physician or an advanced
 15 practice registered nurse, a psychologist licensed or certified under the provisions
 16 of KRS Chapter 319, and a person licensed or certified as a social worker or an
 17 employee of the Cabinet for Health and Family Services who meets the
 18 qualifications of KRS 335.080(1)(a), (b), and (c) or 335.090(1)(a), (b), and (c). The
 19 social worker shall, when possible, be chosen from among employees of the
 20 Cabinet for Health and Family Services residing or working in the area, and there
 21 shall be no additional compensation for their service on the interdisciplinary
 22 evaluation team.
- 23 (2) At least one (1) person participating in the compilation of the report shall have
 24 knowledge of the particular disability which the respondent is alleged to have or
 25 knowledge of the skills required of the respondent to care for himself and his estate.
- 26 (3) If the respondent is alleged to be partially disabled or disabled due to mental illness,
 27 at least one (1) person participating in the compilation of the interdisciplinary

1 evaluation report shall be a qualified mental health professional as defined in KRS
2 202A.011(12). If the respondent is alleged to be partially disabled or disabled due to
3 an intellectual disability, at least one (1) person participating in the compilation of
4 the evaluation report shall be a qualified professional in the area of intellectual
5 disabilities as defined in KRS 202B.010(12).

6 (4) The interdisciplinary evaluation report shall contain:


- 7 (a) A description of the nature and extent of the respondent's disabilities, if any;
- 8 (b) Current evaluations of the respondent's social, intellectual, physical, and
9 educational condition, adaptive behavior, and social skills. Such evaluations
10 may be based on prior evaluations not more than three (3) months old, except
11 that evaluations of the respondent's intellectual condition may be based on
12 individual intelligence test scores not more than one (1) year old;
- 13 (c) An opinion as to whether guardianship or conservatorship is needed, the type
14 of guardianship or conservatorship needed, if any, and the reasons therefor;
- 15 (d) An opinion as to the length of time guardianship or conservatorship will be
16 needed by the respondent, if at all, and the reasons therefor;
- 17 (e) If limited guardianship or conservatorship is recommended, a further
18 recommendation as to the scope of the guardianship or conservatorship,
19 specifying particularly the rights to be limited and the corresponding powers
20 and duties of the limited guardian or limited conservator;
- 21 (f) A description of the social, educational, medical, and rehabilitative services
22 currently being utilized by the respondent, if any;
- 23 (g) A determination whether alternatives to guardianship or conservatorship are
24 available;
- 25 (h) A recommendation as to the most appropriate treatment or rehabilitation plan
26 and living arrangement for the respondent and the reasons therefor;
- 27 (i) A listing of all medications the respondent is receiving, the dosage, and a

- 1 description of the impact of the medication upon the respondent's mental and
2 physical condition and behavior;
- 3 (j) An opinion whether attending a hearing on a petition filed under KRS 387.530
4 would subject the respondent to serious risk of harm;
- 5 (k) The names and addresses of all individuals who examined or interviewed the
6 respondent or otherwise participated in the evaluation; and
- 7 (l) Any dissenting opinions or other comments by the evaluators.
- 8 (5) The evaluation report may be compiled by a community center for mental health or
9 individuals with an intellectual disability, a licensed facility for mentally ill or
10 developmentally disabled persons, if the respondent is a resident of such facility, or
11 a similar agency.
- 12 (6) In all cases where the respondent is a resident of a licensed facility for mentally ill
13 or developmentally disabled persons and the petition is filed by an employee of that
14 facility, the petition shall be accompanied by an interdisciplinary evaluation report
15 prepared by the facility.
- 16 (7) Except as provided in subsection (6) of this section, the court shall order
17 appropriate evaluations to be performed by qualified persons or a qualified agency.
18 The report shall be prepared and filed with the court and copies mailed to the
19 attorneys for both parties at least ten (10) days prior to the hearing. All items
20 specified in subsection (4) of this section shall be included in the report.
- 21 (8) If the person evaluated is a poor person as defined in KRS 453.190, the examiners
22 shall be paid by the county in which the petition is filed upon an order of allowance
23 entered by the court. Payment shall be in an amount which is reasonable as
24 determined by the court, except no payment shall be required of the county for an
25 evaluation performed by a salaried employee of a state agency for an evaluation
26 performed within the course of his employment. Additionally, no payment shall be
27 required of the county for an evaluation performed by a salaried employee of a


1 community center for mental health or individuals with an intellectual disability or
2 private facility or agency where the costs incurred by the center, facility, or agency
3 are reimbursable through third-party payors. Affidavits or other competent evidence
4 shall be admissible to prove the services rendered but not to prove their value.

5 (9) The respondent may file a response to the evaluation report no later than five (5)
6 days prior to the hearing.

7 (10) The respondent may secure an independent evaluation. If the respondent is unable
8 to pay for the evaluation, compensation for the independent evaluation may be paid
9 by the county in an amount which is reasonable as determined by the court.



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 9 APRIL 2016